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**AN EVALUATION OF THE FUNCTIONS OF THE
ASSISTANT PROBATION OFFICER AS A NEW
OCCUPATIONAL CATEGORY IN PROBATION
PRACTICE.**

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DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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ABSTRACT

The main aim of this study is to evaluate the functions of the assistant probation officer as a new occupational category in probation practice. The study also explores the knowledge and insight of the functions of assistant probation officers on the part of related role players, namely, probation officers (including the supervisors of assistant probation officers), magistrates, prosecutors, officials of the South African Police Service and the recipients of the service viz. school principals, teachers, youth, parents as well as community leaders in a deep rural area.

The primary respondents comprised of all the assistant probation officers involved in the pilot project as well as their supervisors. The sampling method was used for the related role players and recipients of the service.

The researcher used mainly a qualitative approach that included questionnaires and interview schedules. The questionnaires were independently completed by the assistant probation officers and the interview schedules were completed by means of face-to-face interviews with related roleplayers. Open-ended interviews were held during on-site evaluation visits to projects with the selected sample of recipients of the service. This research can also be regarded as an exploratory study as it explores and evaluates an unknown area in order to gain new insights. The process of triangulation was applied due to the variety of data collection methods.

The study found that there was an absolute necessity for the services and the sustainability thereof by assistant probation officers, and of the ultimate

incorporation of this occupational category into probation practice. The findings also indicated a lack of knowledge and insight on the part of justice and police officials regarding the functions of assistant probation officers as well as the importance of structured training and the provision of the basic resources for assistant probation officers to function adequately.

Therefore a holistic approach to the incorporation of this service into probation practice is required by the Department of Social Development to address the findings of this study.

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CHAPTER ONE

INTRODUCTION

South Africa is faced with a sharp increase in crime with a resultant high rate of incarceration of sentenced and unsentenced persons. The South African Judicial Inspectorate manned by Judge Fagan announced on 29 March 2001 on national television that South Africa has 172,000 persons in prison (sentenced and awaiting trial). The South African prisons can only accommodate 110,000 (100,000 sentenced and 10,000 awaiting trial) adults and children, which means that the prison population (for sentenced and unsentenced) is overpopulated by 62,000, that is, by 156%. (Fagan,2001).

Of the total of 172,000 there are 68,000 persons awaiting trial, of which 66,000 are adults and 2,000 are children 14 years and older but under the age of 18 years. If our prisons can only accommodate 10,000 awaiting trial persons, then we need to reduce the prison population by 58,000. To this end we need to urgently revisit bail conditions and community corrections.

In December 2000 there were approximately 1 961 children in prison,

1 540 in places of safety and secure care and 700 in police cells which totals 4 201 incarcerated and institutionalised children in South Africa –

all awaiting trial. This rate of incarceration and institutionalisation *can* drop if we have effective programmes in place on the prevention level. These statistics indicates that the systems dealing with this issue has to review the way in which services are rendered. In a country such as South Africa

where we are intent on a child friendly justice system, this current state of affairs is unacceptable.

In line with the transformation of the child and youth care system and with specific reference to probation practice, it has become evident that the incorporation of the services of assistant probation officers can make a significant impact on transforming the way in which services are rendered to young people in conflict with the law.

The need to research the function of assistant probation officers as a new occupational category in probation practice emerged from the researcher's practical experience over the past sixteen years – as a probation officer, supervisor of probation officers, co-ordinator of probation services – practically and administratively on provincial government level and on a secondary basis on national government level. As the project manager of the pilot project of assistant probation officers in the Western Cape Province, the researcher was prompted to further evaluate and research the effectiveness of this service with the aim of ultimate permanent incorporation of this occupational category into probation practice.

The above together with all the simultaneous processes on the transformation of youth justice in South Africa further prompted an in-depth exploration with regard to utilising services of assistant probation officers. To go back in history: Since 1 July 1996 there was a Personnel Administration Standard (PAS) according to which the employees of the public service were *inter alia* remunerated and promoted. In this PAS,

probation officers and auxiliary workers, which by implication are the assistant probation officers, were included. As there was not a clear understanding and acceptance by probation professionals of the functions of an auxiliary officer in probation practice, the PAS was not implemented. The PAS has been replaced by a Code of Remuneration (CORE) for the occupational category: Social Services and Support Personnel. The CORE includes assistant probation officers and stipulates the functions and key performance areas. Specific qualifications for appointment to this occupational category are also included. Although the CORE was approved to be implemented on 1 July 1999, it has not yet been implemented as a result of confusion regarding the content of the job outputs of the different occupational categories that may be created in practice. The CORE document has scaled down occupational categories to approximately 23 whilst the PAS had approximately 326. CORE has developed a professional grouping of social services professions which, so far, includes : probation officers, social workers, child and youth care workers, and youth workers.

Each occupational category has an auxiliary level built into it and can choose their own occupational names. For example, assistant probation officers can be built into the probation officers' professional group as an auxiliary level.

The viability of creating an occupational category called assistant probation officers was then also undertaken by the Probation Advocacy Group (PAG)

who formulated amendments to the Probation Services Act (No.116 of 1991) to include assistant probation officers as an occupational category in its own right.

The concept of assistant probation officer is new in South Africa and no research has been conducted in this field. With the imminent enactment of the amendments to the Probation Services Act (116/1991) – which regulates probation services in South Africa – assistant probation officers will be regarded as an occupational category in its own right. To this end the National Department of Social Development funded two pilot projects (one in the Western Cape Province and one in the Limpopo Province) to test the function of assistant probation officers with regard to services to children within the criminal justice system in terms of rendering prevention and early intervention services. The pilot projects started on 15 September 1998 and terminated on 31 July 2001, after which the Department of Social Services was expected to sustain this service. These pilot projects were embarked on to test various programmes in both rural and urban areas with regard to prevention and early intervention services to youth at risk and youth in conflict with the criminal justice system. The purpose was to prevent these youth from being detained in police cells, prisons or institutions. During the course of this pilot project, the assistant probation officers received continuous in-service training and guidance. To take this pilot projects one step further, the National Department of Social Development, in their One Stop Early Intervention Business Plan, gave conditional grants to all

provincial welfare departments to appoint amongst others, assistant probation officers. With the appointment of the latter, the philosophy of restorative justice as discussed in chapter two can be strongly promoted.

In this research, the researcher will evaluate the functions of assistant probation officers; whether the services rendered by assistant probation officers addressed the needs of youth and families at risk; the need to incorporate this occupational category into probation practice, the knowledge and perception of related role players on the necessity and functions of assistant probation officers and the relevance of this service to existing and impending legislation.

There is a clear distinction between the role of the probation officer and the assistant probation officer. The assistant probation officer works under the supervision of a probation officer and renders assistance to the probation officer with regard to tasks relating to monitoring and supervision, family finding, gathering of information for assessment by the probation officer and assisting the probation officer with his or her duties (this to include crime prevention programmes and early intervention services). All decisions with regard to control and guidance over these tasks are the responsibility of the probation officer.

As indicated, South Africa is faced with a sharp increase in crime. This demands a review of probation practices, with the aim of not only reducing re-offending and the high prison population but also ensuring long term

development based on the strengths based perspective, that is, focusing on strengths rather than pathology. To this end, “probation should be viewed with sceptism : probation itself requires first problematising and then clarifying”.(Koichi Hamai,et.al.,1995:3)

This research is mainly of a qualitative nature and can be regarded as an exploratory study as it explores an unknown area. In the chapters to follow, the researcher will discuss the literature, policies and legislation relevant to assistant probation officers; the research methods used and research process followed; the analysis of the findings of this research study and recommendations to be made emanating from the research findings.

CHAPTER TWO

LITERATURE REVIEW

2.1. Introduction

This chapter attempts to discuss and review existing literature that is directly or indirectly relevant to assistant probation officers and their functions. A comprehensive overview and discussion will be presented on the establishment of this occupational category and the philosophy of restorative justice, policy and legislation, and how it impacts on probation practice.

This study is an evaluation of the functions of the assistant probation officer as a new occupational category into probation practice, which is a new challenge and unique in South Africa. The idea of incorporating this occupational category into probation practice has its beginnings in the processes undertaken by the Probation Advocacy Group (PAG). The latter is a national body established in 1996 under the auspices of the National Department of Social Development. The PAG comprises of a representative (probation co-ordinator) of each province in the country and is tasked to promote the transformation of probation practice in South Africa. At a PAG meeting on the 10th July 1997, the whole issue of this proposed occupational category of assistant probation officers was debated and discussed and a final decision taken to name this occupational category 'assistant probation officers' and include it in the proposed amendments to

the Probation Services Act (No.116 of 1991). This Act regulates probation services in South Africa.

The need for assistant probation officers was further underscored by the increase in the crime rate and the resultant overburdening of probation officers. The latter find it increasingly difficult to render programmes with regard to crime prevention, a duty of probation officers as set out in section 3 of the Probation Service Act. During the same year (1997) re-orientation training of probation officers was undertaken in every province and during these training sessions the viability of appointing assistant probation officers into probation practice was explored. On completion of this training, feedback received indicated that an overwhelming majority of probation officers support the appointment of assistant probation officers. Recommendations on the functions they should perform were also made by all provinces.

As this is a new occupational category, there is no specific literature in South Africa or internationally.

The only British literature found which could be related to the principle of appointing auxiliary staff in probation practice, was by Donald Findlander. In his social work monograph, he gives a review of probation services in the 1970s and mentions the emergence of *ancillary* probation staff. In 1971 the Home Secretary of Britain empowered probation services to employ ancillary staff. The latter were allocated tasks that do not demand the skills of a probation officer, that is, they had para-professional tasks. Their tasks

at the time included escorting of clients, administrative duties in courts, information gathering for probation officers, visits to families, supervision orders, administrative office tasks, miscellaneous external tasks (special errands on behalf of probation officers) and assisting the probation officer with research projects. As this idea progressed, this ancillary worker became much more involved in community projects.

Another occupational category related to auxiliary work can be found in social work. The Social Work Act 1978 (Act 110 of 1978) makes provision for social auxiliary workers. The South African Council for Social Services Professions (SACSSP) defines social auxiliary work as “an act or activity practiced by a social auxiliary worker under guidance and control of a social worker and as a supporting service to a social worker to achieve the aims of social work”. (Information Brochure: S A Council for Social Service Professions.23 November 2002:1) This indicates that the social auxiliary worker works directly to and under the direct supervision of a social worker at all times. The social auxiliary worker renders assistance and support to the social worker with tasks relating to ‘social development, the prevention of potential dysfunctioning in individuals, families, groups or communities.’ All decisions taken on planning, control and guidance however remains the function of the social worker.

As is recommended in this research for assistant probation officers, there are also prescribed, specific qualifications and training for the social auxiliary worker. The latter needs a grade 10 certificate or write an

admission examination to the course in order to enrol for the one-year in-service training course based on study material compiled by the SACSSP. This occupational category is recognised by the SACSSP and forms part of the staff establishments in the Department of Social Development in South Africa.

According to Shapiro in Gray, M. "social workers have not been at the forefront of crime prevention and crime management in South Africa. To date, probation has been the traditional area of social work involvement within the criminal justice system." (Gray,1998:151-152). Tshiwula claims that "a social worker fulfills two roles in the criminal justice system, viz. as a probation officer and a social worker within correctional facilities." (Tshiwula,1998:155). If one views the duties as set out in the Probation Services Act, it is a challenge for social workers working as probation officers. Tshiwula is further of the opinion that " a probation officer should be a generalist practitioner who is capable of intervention with different client systems." (Tshiwula,1998:157). A qualified social worker therefore needs additional specialised training in probation practice to meet the growing demands of this service to youth and adults in the criminal justice system. As a result of the aforementioned, probation is at present moving towards the establishment of an own professional board. The Probation Services Act and the current amendments to this Act has made this a profession based on the philosophy of restorative justice with a

developmental approach as the core of service rendering to individuals in the criminal justice system.

2.2. Philosophical Framework, Legislation and Policy

2.2.1. Philosophical Framework

As the retributive justice approach has clearly failed, the South African government decided to use *restorative justice* as a framework to underlie youth justice. In this regard an inter-ministerial committee, under the auspices of the Department of Social Welfare and including other relevant state departments, set about drafting policy in 1996 to incorporate this new philosophy. In this policy, “the ‘treatment’ of the old Welfare Model, and the ‘punishment’ of the justice model, are replaced by restorative justice concepts which centre on conflict resolution and the involvement of young people, families and communities in the decision-making process.” This new approach of course will require more skilled intervention than those attempted previously.

Restoring justice can be viewed as an inclusive process of dealing with an offence – inclusive meaning the offender, the victim and the community. All these parties need to collectively engage in a process of determining what harm has been inflicted and how it has to be resolved to the satisfaction of all concerned. Tutu claims that “if the process of forgiveness and healing is to happen and succeed, ultimately acknowledgement by the culprit is almost indispensable. Acknowledgement of the truth, and of having

wronged someone, is important in getting to the root of the breach.’(Tutu, 1999:218).

Braithwaite claims that ‘reintegrative shaming’ is more effective than ‘stigmatisation’. He regards stigmatisation as a process that labels criminals as ‘evil people’ and perpetuates their criminal behaviour which is typical of the retributive approach. He regards reintegrative shaming as a more positive approach that prevents crime in that it strongly disapproves of the offence whilst at the same time respecting the offender. The latter is given the opportunity of acknowledging his wrongdoing and repairing the damage caused – this being the cornerstone of restorative justice. (Braithwaite.1996:3).

McCold refers to four restorative justice models which include *mediation, conferencing, community justice conferencing and circle models* each with its own methodology and approach but which always involves “ victims and their offenders in face-to-face meetings, where they determine the outcome”. (McCold,1991:1).

Wachtel claims that “restorative justice is a philosophy, not a model, and ought to guide the way we act in all of our dealings”. (Wachtel, 1999: Conference Paper: International Institute for Restorative Practices, Bethlehem, Pennsylvania: 16-18 February 1999).

On the issue of incarceration of offenders Dressler is of the opinion that “.....men,woman and children.....will not, to any appreciable degree, become resocialised to a normative environment while making time in the abnormal environment of an institution.” (Dressler,1991:101)

As Considine so rightly states: “ We can stop building more and more prisons, and start using the vast resources saved to create a new system built *not* on vengeance and punishment, but on reconciliation, personal responsibility, healing, forgiveness, accountability and, where applicable, sanction. The whole nation can only benefit from such a change.” His argument in his writings about restorative justice is that “our retributive philosophy is at fault,” and “... by itself a soulless set of rules, to attempt to see justice achieved.” He regards restorative justice as “really not new” ... “ In pre-colonial New Zealand, the Maori had a fully integrated system of restorative justice that used Maori legal processes” (Considine,1999 : 9-11). Restorative justice was also practiced successfully in pre-Norman Ireland where no police, justice officials or prisons existed. In 1991 other countries such as Italy, Britain, Germany, the United States, Japan, Norway, Finland, New Zealand, Holland, Austria, France, Greece, and Turkey also debated and considered restorative justice as a new approach in the justice system – all wanting to move away from the retributive approach.

The current retributive justice system fails to address healing for the offender and the victim. In this regard Zehr is of the opinion that “crime is a violation of people and relationships. It creates obligations to make things

right. Justice involves the victim, the offender, and the community in a search for solutions which promotes repair, reconciliation, and reassurance.”(Zehr,1990:181). Braithwaite (in Brancken and Batley) recommends that restorative justice should be approached firstly by viewing *restorative options*. If this fails, then *deterrence* should be applied and lastly *incapacitation* (eg. the custodial option).

If one considers the basic underlying philosophy of *restorative justice* which the IMC: Interim Policy Recommendations describes as “the approach to young people in trouble with the law should focus on restoring societal harmony and putting wrongs right rather than punishment. The young person should be held accountable for his or her actions and where possible make amends to the victim.” (IMC,1996:17). Shapiro in Gray, M. is of the opinion that “when an offender is able to avoid his or her responsibility to the victim and society, he or she is likely to continue with the criminal behaviour. In contrast, having to face the reality of the effect of the crime is a powerful deterrent.” (Gray, 1998:157).

The implementation of a restorative justice philosophy in probation practice gave rise to more in-depth services by probation officers. As this has human resource implications, the appointment of assistant probation officers will serve to address the increase of new programmes to address this new approach. The implementation of restorative justice need not be done by professionals on a higher level only, viz. by probation officers, but

can be effected on a lower auxiliary professional level such as the assistant probation officer.

Shapiro in Gray, M. describes the South African response to crime as “heavy handed and ineffective” and is of the opinion that embracing the principles of restorative justice together with community involvement in the criminal justice system will “humanise a once ineffective and brutal system”.(Gray,1998:152-153).

The appointment of assistant probation officers with their allocated duties can therefore be seen as an effective response to crime as well as the prevention thereof.

2.2.2. Legislation

The only available legislation directly pertaining to this occupational category is the proposed Probation Services Amendment Bill (B18B-2002). Part of the recommended amendments entail the incorporation of assistant probation officers as an occupational category with prescribed functions. In order to include assistant probation officers in this act, the following amendments were formulated and submitted to Parliament:

- ❖ With regard to the definition of an assistant probation officer, section 1(a) states: “ ‘assistant probation officer’ means a person who is appointed under section 4A and who assists and works under the supervision of a probation officer.”

- ❖ On the appointment of an assistant probation officer, Section 4A(1) states: “ The Minister may appoint as many suitable persons as he or she may deem necessary as assistant probation officers to perform the duties imposed by or under this act or any other law on an assistant probation officer.”
- ❖ With regard to the duties of an assistant probation officer, section 4A(2) states: “The duties of an assistant probation officer shall include – (a) the monitoring of a child placed under home-based supervision; (b) the monitoring of persons under supervision; (c) family finding; (d) the gathering of information for assessment by the probation officer; and (e) assisting a probation officer with his or her duties.”

This Bill also adds extra tasks to the ‘powers and duties of probation officers’ viz. in section 4 the following added duties are recommended:

“(i) the reception, assessment and referral of an accused person and the rendering of early intervention services and programmes, including mediation and family group conferencing;

(j) the investigation of the circumstances of a convicted person and the provision of a pre-trial report recommending the desirability or otherwise of prosecution;

(k) the investigation of the circumstances of a convicted person, the compiling of a pre-sentencing report. The recommendation of an appropriate sentence and the giving of evidence before the court;

(l) the mandatory assessment of a child as contemplated in section 4A.”

The above will by implication put added pressure on the already overburdened probation officer. In order for all of these tasks to be executed, the appointment of extra personnel, such as probation officers and assistant probation officers is imminent.

The Child Justice Bill embodies the recommendations of the South African Law Commission (SALC) for the reform of the law relating to children accused of crimes in South Africa. This draft Bill represents the culmination of a long process of youth justice reform in South Africa, aimed at the development of a comprehensive justice system to manage children who come into conflict with the law. In this new piece of legislation, the Commission recommends that the services of assistant probation officers be utilised to conduct mandatory assessments of children (eg. in rural areas where there is a lack of manpower) within the time period (48hours after arrest) envisaged in the Bill. The "Commission foresees that appointments of assistant probation officers could broaden the pool of personnel available to perform assessments, especially in rural areas."(SALC, July 2000 : 84-85). Therefore the extent of services required of probation officers can lead to or necessitate the inclusion of the services of assistant probation officers in order to ensure effective implementation of this Bill given the current lack of human resources. The proposed Bill for example promotes diversion options – channeling cases away from the courts and prisons while still holding the children accountable. In these instances, the demand for the added services of

assistant probation officers will increase with regard to the monitoring task of such cases. A central feature being mooted in the Child Justice Bill, is a shift to acknowledging the central role that probation officers need to play in the administration of youth justice, and the attempt to clarify the duties and responsibilities of probation services eg. “ To delineate the powers and responsibilities of members of the South African Police Service and probation officers in relation to such children” (SALC, 2000 :1 – Conference Paper: Institute of Criminology: UCT:13 April 2000).

In preparation for this impending legislation, the Department of Justice launched a “Draft Protocol for the Management of Awaiting Trial Children” on the 1st of June 2001 to ensure effective services in this regard and the monitoring thereof. This protocol also lends itself to a commitment by the South African Police Service, Departments of Social Services and Justice to work together in a manner that ensures that the rights of children are protected at every level within the criminal justice system.

Certain key principles contained in the United Nations Convention on the Rights of the Child (UNCRC) also have a direct relation to the services rendered by the assistant probation officers, namely, that it is in “the best interests of the child” (article 3); that it is aimed at the “survival and development of the child” (article 6); that it is the right of every child in conflict with the law, “to be treated in a manner consistent with the

promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.”(Article 40(1)). In addition, Article 40(4) which deals with the administration of juvenile justice states that a variety of services (amongst others, guidance and supervision orders, counselling and probation) “shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and offence”. The services and programmes rendered by assistant probation officers, for example, the youth empowerment camps, supervision of sentenced and unsentenced youth, counselling, family preservation and life skills programmes are in line with the above mentioned principles of the UNCRC. With regard to the Bill of Rights in the Constitution of the Republic of South Africa (Act 108 of 1996), the requirements in the following sections are also addressed in the services rendered by assistant probation officers, viz.

- section 12 on the “Freedom and Security of the Person” states that everyone has the right to “(a) not to be deprived of freedom arbitrarily or without just cause”;
- section 28 (i) states that every child has the right “(b) to family care or parental care, or to appropriate alternative care when removed from the family environment.” and “(g) not to be detained except as a measure of last resort.....”.

- section 35(1)(d) on the 'arrested, detained and accused persons',
 "Everyone who is arrested for illegally committing an offence has the right to be brought before a court as soon as possible but not later than – (i) 48 hours after arrest;...."

The Criminal Procedure Act (Act 51 of 1997), contains certain sections that can be seen to be relevant to the services rendered by assistant probation officers.

For example, in section 71 (a), "Juveniles may be placed in places of safety or under supervision in lieu of release on bail or detention in custody" and section 50 (ii) states that "..... he or she shall be brought before a lower court as soon as possible, but not later than 48 hours after the arrest."

If one compares the Constitution of the Republic of South Africa, the Criminal Procedure Act and the impending legislation viz. the Child Justice Bill, it is evident that they *all* call for the child's appearance in court within 48 hours after arrest. This new legal dispensation for child justice is in line with the child's constitutional rights when in conflict with the law, but the impact thereof will demand more intense services which cannot solely be rendered by probation officers. Therefore the integration of assistant probation officers into probation practice must be regarded as a priority.

2.2.3. Policy

The White Paper for Social Welfare (1997) is a policy document which forms the foundation for social welfare policy in South Africa. This document acknowledges the need for 'crime prevention through development and restorative justice' which needs to be addressed from a wider social and economic perspective. In this regard there are set principles and guidelines for the transformation of welfare service rendering with regard to probation services which include effective actions in the best interests of children and youth, opportunities that ensure that children and youth coming into conflict with the law have access to all available services, building the capacities of families and communities to provide support and care to children, and diversion from the legal system as a preferred way of dealing with young offenders. There is also an acknowledgement that these services require adequate human resources.

In order to address services to offenders, victims of crime and their families, this policy document sets the following general guidelines, viz.

- The families of sentenced prisoners will be assisted to preserve family life.
- All services must aim at restorative justice by taking into account the victims' perspectives and by involving the community in justice processes.
- Alleged offenders have special needs. Services must be made available to them and their families. Appropriate community- based

alternatives for detained prisoners awaiting trial will also be established.

- Employment programmes, skills training for ex-offenders will be developed.
- Institutionalisation will be a last resort. Alternative forms of sentencing will be considered.
- Development and maintenance of community sentences as alternative to imprisonment.

Some of the above mentioned principle and guidelines with regard to children and youth in conflict with the law can be linked to the current services being rendered by the assistant probation officers viz. the house arrest programme for youth awaiting trial(alternative to imprisonment), networking children and families to available resources to avoid recidivism, monitoring of youth serving community sentences and the rendering of crime prevention programmes.

The Interim Policy Recommendations (Inter-Ministerial Committee (IMC) on Young People at Risk: November 1996) is an approved, widely consulted policy document which embraces the transformation of the child and youth care system and is in the process of being published as official government policy. This document strongly recommends effective probation services with specific emphasis on prevention and early intervention services – these being services that can be performed with the assistance of the

assistant probation officers. With the added services of assistant probation officers, one can ensure that some of the crucial “practice principles” contained in this document and which refer to youth and families at risk, are adhered to, for example, “empowerment”, “participation”, “rights of young person”, “restorative justice” and “family preservation”. (IMC, 1996 :15-17)

The draft policy document on Minimum Standards (South African Child and Youth Care System, Inter-Ministerial Committee, May 1998), which sets out the implementation of the above practice principles and the various competencies required for an effective system of service rendering, will also serve to improve services to young persons at risk as well as provide for their greater protection and development. The appointment of assistant probation officers and the resultant services that they will deliver, will facilitate the phasing in of the relevant minimum standards in an effective manner.

The South African National Crime Prevention Strategy (NCPS) which was launched in 1996, attempts to create policy that will lead to a ‘fundamental paradigm shift in the handling of crime’. Crime prevention and the impact thereof are the main intervention strategies in this policy document. If one views the correctional process to be followed in this policy, the shift is towards community-based crime prevention with the focus on

deinstitutionalisation and diversion for minor offences especially among youth. (Van Aswegen, W.F. 2000:141-146)

The programmes for youth in conflict with the law, viz. the youth empowerment camps and house arrest(alternative to imprisonment) which are rendered by assistant probation officers are therefore in line with the policy of the NCPS.

2.3. Conclusion

With regard to other related international literature, there is no specific research on the *legal implementation* of an exclusive auxiliary professional category in probation practice *per se*. If one again takes the rising crime rate and increased over- population in prisons and the high rate of recidivism, especially in South Africa, it is imperative that new innovations be explored in order to work towards a system that repairs the damage caused by crime. Rendering effective probation services to youth and families at risk is a challenge that needs not only commitment but the necessary resources.

The current transformation processes and impending new legislation with regard to probation practice in South Africa lends itself to positive change in the way in which we approach justice and the rendering of services to young offenders – the underlying philosophy being *restorative justice*. The phasing in of implementing restorative justice is a major challenge, one that is complex and sensitive. It requires the co-operation of all role players in the criminal justice system. As with all radical changes in any system, this

in itself will require all of the said role players to believe in this approach before attempting to engage in its practice.

On restorative justice van Hess and Strong is of the opinion that “a hallmark of restorative justice must be ongoing transformation: transformation of perspective, transformation of structures, transformation of people.”(van Hess and Strong,1997 : 183).

Raynor, Smith and Vanstone in their writings on “effective probation practice” say that “.....the future of the probation service lay in developing and providing forms of supervision in the community for offenders who would otherwise receive custodial sentences,....” (Raynor et al.,1994 : 8).

If one looks at the trends in current legislation and policy, it has a golden thread of restorative justice that concretizes the basis of this philosophy.

Vivier describes “the essence of restorative justice as a philosophy, which creates a pattern of thinking and a worldview that promotes reconciliation, restitution and responsibility within the context of human relationships”.

(Vivier, 2002:9).

Restorative justice is therefore seen as the foundation of modern probation practice.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1. Introduction

This chapter describes the subject of the study which includes the aim, research process, data collection method, analysis of data and the limitations experienced during the research.

When the researcher decided to evaluate the functions of assistant probation officers, she was the project manager of the pilot project in the Western Cape Province. In this way the researcher was physically involved and responsible for the overall management of this pilot project. This included drawing up of employment contracts for the assistant probation officers, giving financial approval for the implementation of programmes to be rendered, doing on-site visits to some of the programmes in all the areas covered by the assistant probation officers, organising and facilitating the training of assistant probation officers and continuous evaluation of the services rendered. In addition to this the researcher was also approached by other provinces to present information and training sessions on the functions of assistant probation officers and the various programmes rendered by them. These requests came as a direct result of the success of the services rendered by the assistant probation officers in this pilot project especially the innovative house arrest programme. The experience gained

by the researcher's hands-on involvement in this process gave her first hand, in-depth insight into the subject. This also created the opportunity for the researcher to have regular contact with the respondents of the Western Cape Province in this research.

3.2. Aim and focus of the study

The aim of this study is to evaluate the function of assistant probation officers as a new occupational category in probation practice. With the imminent enactment of the amendments to the Probation Services Act (No.116 of 1991), assistant probation officers will be regarded as an occupational category in its own right. To this end the National Department of Social Development funded two pilot projects (four assistant probation officers in the Western Cape Province and one in the Limpopo Province) to test the functions of assistant probation officers with regard to services to children in conflict with the criminal justice system which would include prevention and early intervention services. These pilot projects started on 15 September 1998 and terminated on 31 August 2001.

The researcher will evaluate the following aspects:

- ❖ the perception of assistant probation officers involved in the pilot projects of their functions;
- ❖ the perception and knowledge of probation officers, supervisors of assistant probation officers as well as magistrates, prosecutors and officials from the South African Police Service on the necessity and functions of assistant probation officers;
- ❖ the need to ultimately incorporate this occupational category into probation practice;
- ❖ whether the services rendered by assistant probation officers addressed the needs of youth and families at risk and the impact thereof;
- ❖ the relevance of this service with regard to existing and pending legislation.

With regard to the above, the researcher's *principle focus* was on evaluating the functions of assistant probation officers as perceived by themselves and other major role players.

3.3. Research Process

The researcher used mainly a qualitative approach. In this regard the perceptions of the primary respondents, viz. assistant probation officers as well as the perceptions of other related role players were the main source of information. The researcher "...derives meaning from the subjects perspective."(de Vos,1998:243). The qualitative process lies in the accumulation of information extracted from the themes that came to light in processing the data in the interview schedule, observing the personal experiences of the assistant probation officers in the course of their duties, personal interviews with supervisors of assistant probation officers, probation officers, magistrates, South African Police Service officials and prosecutors. The views and opinions of youth, parents, teachers, school principals and community leaders also reflect the qualitative nature of the study. The on-site observations of programmes made by the researcher also enriched the understanding of the researcher.

The only quantitative element, reflected in the questionnaire completed by the assistant probation officers, was the numerical feedback received on individual programmes rendered. With regard to the recipients reached, the tables in Annexure B reflects the percentage of youth who did not re-offend after participating in the youth empowerment camps, the number of

recipients reached in certain programmes and the estimated success rates of these programmes.

The process of triangulation was also applied in this study as reflected in the various methods used to collect data, viz. questionnaires, interview schedules, participant observation, on-site evaluation visits at schools and youth empowerment camps, and review of relevant legislation and policy documents.

3.4. The Sampling Method

Because of time constraints, resources and the vastness of the research field, it was not possible to interview all the recipients of the services and programmes of the assistant probation officers and all the significant role players. Therefore, a sample of the recipients and related role players of the service was used. In Venda in the Northern Province, one magistrate and prosecutor (the only two justice officials serving this area), one official of the South African Police Service who was available at the time of the research visit and one probation officer serving an adjoining area of Venda, were interviewed. The reason for including the latter was because the assistant probation officer and his supervisor were the only two probation practitioners serving Venda. Two group meetings were held with twelve community leaders in the vicinity, and visits were made to the two schools in the villages where interviews were conducted with principals and teachers.

In the Western Cape Province, this project was piloted in four magisterial areas, viz. Bellville, Mitchell's Plain, Vredendal and George. For purpose of this research, a convenience sample was used in this province and the magisterial area with the most intense programmes viz. Bellville was selected. At the Bellville magisterial court, the magistrate of the youth court, the senior prosecutor, the South African Police Service official and the probation officer stationed at the court, the probation officer who serves the Bellville court with court reports, and a probation officer who serves an adjoining magisterial area were selected. These probation officers were all employed at the Bellville office of the Department of Social Services and Poverty Alleviation. At the time of doing the research at the Bellville office, it was difficult finding magistrates who were either available or aware of the services of the assistant probation officer. The magistrate of the youth court was chosen as a respondent as the latter worked in close liaison with the probation officer and assistant probation officer, especially the house arrest programme. This youth court at Bellville magisterial court is the only court dealing with youth offenders, while the other courts deal mainly with adults. This magistrate was, therefore, regarded as the ideal respondent for this research. The prosecutor who served the youth court was on extended leave at the time of the research and the magistrate (respondent) then suggested that the researcher interview the senior prosecutor as there were no other knowledgeable prosecutors on duty or available at the time of research.

The South African Police Service official in Bellville was chosen as respondent as he worked in close liaison with the probation officer serving the Bellville court and was also aware of the house arrest programme run by the assistant probation officer. With regard to the probation officers who were chosen as respondents, there was only one probation officer serving the Bellville court with court reports, while another probation officer, stationed at the court, conducted the daily assessments of youth. In addition to these two respondents, the researcher also interviewed a probation officer who served an adjoining area of Bellville, namely Goodwood as the latter was also aware of the functions of the assistant probation officer and it was interesting to note the added opinions of another probation officer at the same office.

Due to time constraints and the large quantity of recipients of the services rendered, the researcher could not observe and visit all programmes run by the assistant probation officers.

The researcher observed seven presentations by the assistant probation officers of crime prevention and life skills programmes at schools (Vredendal, Mitchell's Plain, Bellville and George) and conducted visits to youth under house arrest with the assistant probation officer in Bellville. She also visited and observed three youth empowerment camps (two in Bellville and one in George) where all the assistant probation officers participated.

This research can also be regarded as an exploratory study as it explores and evaluates an unknown area in order to gain new insights. This required the researcher to use a holistic approach in exploring the relation between the different elements of the research topic. According to de Vos “The qualitative researcher is concerned with

- understanding(*verstehen*) rather than explanation
- naturalistic observation rather than controlled measurement
- the subjective exploration of reality from the perspective of an insider as opposed to the outsider perspective that is predominant in the quantitative paradigm”(de Vos,1998 : 243). This description applies to the current study.

3.5. Data Collection Methods

The main research tools used in this study were interview schedules and questionnaires. The questionnaire was selected for the independent completion by all the assistant probation officers. The latter were involved in the pilot project, understood the dynamics of the pilot and could, on their own, record their objective opinions on all the relevant issues without being influenced by the presence of the researcher.

Interview schedules were used for the other role players, viz. probation officers, supervisors of assistant probation officers, magistrates, prosecutors and officials of the South African Police Service. The reason for this method was the fact that the researcher needed to clarify the questions on a face-to-face basis and also explain the aim of the study.

Except for the supervisors of the assistant probation officers, the other role players were not directly involved with the functioning of the assistant probation officers.

The data obtained from the interview schedules that were completed by the five assistant probation officers was first hand experience at the time of completion. These interview schedules were designed to specifically explore the perception of respondents on the relevance of this service, the workload and work environment, conditions of employment, training requirements and recommendations with regard to the aforementioned.

As theirs was a pilot project, the assistant probation officers were allowed to test different programmes for youth at risk which were relevant to the needs of the community they served. As new programmes were embarked upon - after completion of the questionnaires - the researcher did follow-up interviews with the assistant probation officers and paid visits to these programmes. This was necessary as information on this topic was limited and the researcher had to use every opportunity to gather additional information. This resulted in the re-recording of data captured, that is, data was added on a continuous basis as the pilot project developed. This is also characteristic of the qualitative approach, namely, that the data collecting methods are adapted as the research progresses.

The interview schedules were used to obtain information by means of personal interviews with probation officers, supervisors of assistant probation officers, magistrates, prosecutors and officials from the South

African Police Service. In the rural area of Venda in the Northern Province these interviews were conducted with one magistrate, one prosecutor, one South African Police Service official, one probation officer and the supervisor of the assistant probation officer. Except for the probation officer who served an adjoining area, the rest of the role players are stationed in the magisterial area of the pilot project. In the Western Cape the pilot project for assistant probation officers was piloted at four magisterial districts. For purposes of this research the magisterial area with the most intense programmes viz. the Bellville magisterial court was selected. At the latter, the magistrate of the youth court, senior prosecutor, South African Police Service official, probation officer stationed at the court, the supervisor of the assistant probation officer and two probation officers stationed at the Bellville office of the Department of Social Services and Poverty Alleviation were interviewed.

Open-ended interviews were held with the selected sample of other related role players viz. youth, parents, teachers, school principals and community leaders. The researcher recorded these interviews when doing evaluation visits to projects. The purpose of this was to ascertain the perception of these respondents regarding the relevance of the service and the need to ultimately sustain this service.

The participant observation process was also used. The researcher observed a total of seven presentations by assistant probation officers of crime prevention and life skills programmes at schools in the areas,

Bellville, Mitchell's Plain, Vredendal and George. By attending these processes as an observer and engaging with the participants after these presentations, the researcher was able to gain insight into how the participants experienced this service.

On-site evaluation visits were conducted on the projects of assistant probation officers, viz. the house arrest project, crime prevention programmes at schools and youth empowerment camps in the Western Cape Province. A personal visit was also paid to the assistant probation officer in the Limpopo Province to discuss and evaluate the services rendered. On this visit, the researcher personally visited two of the schools where the service was rendered as well as consulted with community leaders on the relevance of the service rendered by the assistant probation officer.

A document study was done of relevant legislation and policy documents that had a direct or indirect link to the functions of the assistant probation officers.

The fact that a variety of data collection methods were used indicates that the process of triangulation was applied in this study.

3.6. Data Analysis

With regard to the analysis of the research questionnaires and interview schedules, the researcher manually recorded and combined all written responses on an individual data sheet under the specific questions. Where

further clarity on answers was needed, the researcher did follow-up interviews with the respondents. After completion of the recording of this data, the researcher then identified themes according to which the functions could be evaluated. Consequently the data was analysed under three main themes, viz. the perception of assistant probation officers of their functions, the perception of probation officers and supervisors of the functions of assistant probation officers, and the knowledge and perception of magistrates, prosecutors and officials of the South African Police Service of the functions of assistant probation officers. This study merely provides some insight into the level of knowledge, insight and attitudes of the selected related role players (magistrates, prosecutors, South African Police Service officials) who interacted with the assistant probation officers in the pilot project. The opinions of these role players are, therefore, not regarded or interpreted as the general views of all in these specific professional categories.

The on-site visits to projects and the open-ended interviews with the recipients of the services were analysed and recorded manually in terms of specific themes such as the relevance and sustenance of the service and the views of the recipients on whether the services addressed the needs of the recipients.

In analysing the data, the researcher also attempted to link the document study, that is, existing policies and legislation to the research topic.

3.7. Limitations of the research

3.7.1. Literature review

As the occupational category of assistant probation officers is a very recent development in and unique to South Africa, there is no literature on the matter other than a few reports from the Inter-Ministerial Committee on Youth at Risk. It was therefore not possible for the researcher to draw on literature to do a comparative study as related South African and international literature in this regard is non-existent. The only available legislation is the draft Amendments to the Probation Services Act (No. 116 of 1991), part of which entails the incorporation of assistant probation officers as an occupational class with prescribed functions. Although the draft Child Justice Bill (South African Law Commission, July 2000) can still be amended before it is enacted, it should be indicated that it makes mention of assistant probation officers. The latter could form part of an assessment team, that is, assessments of youth after arrest (to comply with the 48 hour period within which children should be assessed), especially in rural areas where there is no full time resident probation officer.

In the absence of any previous research on this subject, the researcher, in addition to the data collected by means of questionnaires and interviews, also had to rely on her observations and experience of the processes as the project manager of this pilot project in the Western Cape Province.

3.7.2. Questionnaires

Although a detailed guide on how to fill in the questionnaires was sent to each assistant probation officer, some of the questions were either not answered correctly or not answered at all. This resulted in follow-up personal and telephonic interviews which were very time consuming.

The questionnaire was completed by the assistant probation officer of the Limpopo Province in the year 2000. Due to time constraints with regard to the researcher's busy work programme, it was only possible to pay a visit to the pilot project in the Limpopo Province in April 2002. Before this visit, all additional information required was acquired by written requests or telephonically, that is, follow-up interviews with the assistant probation officer on answers that were not clear in the research questionnaire that was completed. This means of communication was not sufficient to obtain all the information needed. The late visit to this province, therefore, delayed the recording and final analysis of the data.

3.7.3. Qualitative Research

This study was limited to a specific group of respondents and by the nature of qualitative research, it is not generalisable. This research approach is not provable or objective, but rather subjective as it has its base in the intersubjective understanding and practical experience of the respondents. Therefore as mentioned in paragraph 3.4. the qualitative approach used in this research was concerned with the subjective perspective of the

respondents “as opposed to the outsider perspective” and did not entail controlled measurement. (De Vos,1998:243)

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CHAPTER FOUR

ANALYSIS OF FINDINGS

4.1. Introduction

This chapter reports on the analysis of the findings of this research. The findings are presented in text form with a few tables. The respondents included five assistant probation officers, the supervisors(five) of each assistant probation officer, four probation officers, two magistrates, two officials of the South African Police Service and two prosecutors. Research questionnaires were completed by the assistant probation officers, while interview schedules were used for the rest of the respondents.

For the purpose of evaluating the functions of the assistant probation officers as a new occupational category, all the assistant probation officers employed in the two pilot projects (one assistant probation officer in the Limpopo Province and four in the Western Cape Province) as well as their supervisors were used as the primary research respondents. The one assistant probation officer served the deep rural area of Venda in the Limpopo Province. In the Western Cape Province each of the four assistant probation officers served one magisterial area, viz., Bellville(urban), Mitchell's Plain(urban), Vredendal(semi-rural) and George and the surrounding area (semi-rural).

In addition to the assistant probation officers and their supervisors, it was decided to include the opinions of four probation officers(one from the Limpopo Province and three from the Western Cape Province). In order to

gather a more holistic view and add depth and insight into the study, it was decided to involve role players who worked in close co-operation with probation practitioners. In this regard one magistrate, the prosecutor and one South African Police Service official from Venda in the Northern Province, as well as one magistrate, the prosecutor and one official from the South African Police Service in Bellville, Western Cape Province was used. Bellville was chosen (from the four areas mentioned above) as the research point as most of the intense programmes such as the house arrest programme was piloted at this point.

In order to add further value to the study and to ascertain whether the needs of the recipients of the service rendered by assistant probation officers are met, random interviews were held with pupils, teachers, school principals, youth, parents and community leaders. These interviews were done when the researcher observed specific programmes presented by assistant probation officers at schools. This occurred when the researcher did on-site visits to youth empowerment camps and on a personal visit to Venda in the Limpopo Province. In the latter province a special on-site evaluation visit was done to schools and a meeting was held with traditional community leaders.

The presentation of the findings commences with a description of the perception of the assistant probation officers of their functions. This includes their competencies and background, viz. education and employment experience. This is followed by an overview of their workload

and duties, time management and working relationship with other role players. Thereafter the training received and suggestions for future training needs is presented with the added views on the nature of supervision to assistant probation officers. This is followed by an evaluation of their work performance and programmes rendered. Finally, this section covers general comments and recommendations on the management of the pilot projects, highlights and problems experienced as well as a strong emphasis on the permanent incorporation of assistant probation officers as a new occupational category into probation practice.

Secondly, the research focuses on the knowledge and perception of the supervisors of assistant probation officers, probation officers, magistrates, prosecutors and officials from the South African Police Service regarding the functions of assistant probation officers.

4.2. The perception of assistant probation officers of their functions.

4.2.1. Competencies and background of assistant probation officers.

When the pilot project commenced, four assistant probation officers were appointed in the Western Cape Province and one in the Limpopo Province. Questionnaires were completed by these five assistant probation officers in the year 2000. For the purposes of this research, questions were grouped into categories.

Questions 1.1. to 1.8. in the attached questionnaire (annexure A) gives a sense of the competencies and background of the assistant probation officers and are summarised in terms of age, qualification and previous experience. The ages of the assistant probation officers in the study range from 26 to 40 years. Two persons had a grade 12 certification, one had a teaching degree, one had a grade 12 certificate plus one year incompleted social work studies and one had a grade 12 certificate plus an incomplete social work IV degree.

Their previous work experience included teaching for two years(one person); no work experience (one person); employment as police official in the South African Police Services for thirteen years, factory foreman for two years and entrepreneur for one year (one person); telephonist for four years and postmaster for six years (one person) and one was a full time student. Only one out of the five assistant probation officers were involved in further studies in social science. Their service months/years at the time as assistant probation officer ranged from ten months to three years.

The opinion of the assistant probation officers on the minimum requirements for appointment as assistant probation officer includes a grade 12 certificate (three persons), ability to read(one person), presentation skills(one person), potential to be trained(one person), administrative skills(two persons), communication skills(two persons), knowledge of a minimum of two languages(one person), knowledge of legal background pertaining to youth in conflict with the law(one person), court

procedures(two persons), interpersonal skills(one person), report writing skills(one person), group work(two persons), interviewing skills(one person), community liaison(two persons) and patience!

From the above it is clear that the assistant probation officers involved in this pilot project have diverse backgrounds with no commonalities and this is reflected in their differences in opinion on their function.

4.2.2. The workload and duties, time management and working relationships with other role players.

With regard to the workload and duties of assistant probation officers in this pilot project, each of the five assistant probation officers served one magisterial district of which three are rural (two semi-rural and one deep rural) and two urban areas. The populations they served range from 80,000 to 285,000 people. Their opinion on human resources needed to effectively serve their areas of work indicated that more than one assistant probation officer was needed in each area. The reasons given referred to the large population, large number of schools in each area to be served, effective supervision and monitoring of youth, especially the house arrest project, some of the areas were widely spread which made it difficult to render a service to all, the high crime rate and implementation of more urgently needed crime prevention projects. The above reasons were a direct outflow of the respondents' experience in the areas they served and not as a result of any in-depth analysis or research.

All the assistant probation officers worked according to a preset programme. This included administrative tasks (recording of interviews, reports on youth and projects, recording of statistics), family finding, design and implementation of programmes, supervision of young offenders(awaiting trial and sentenced), life skills and crime prevention programmes at schools, after-school-care programmes, youth groups, parent support groups, youth empowerment camps, HIV/AIDS awareness programme at schools(in the rural area, that is, Vredendal), monitoring cases of community service orders, groupwork with youth at risk, assisting young persons with birth registration and visits to youth detained in police cells(in one rural area, namely, Tshilwabhusikul), family support services to youth in conflict with the law and informing other role players of the function of assistant probation officers.

With regard to time management, the number of overtime hours worked per month that were recorded varied from two hours to twenty four hours. Even though there was a policy in place regulating time off for overtime worked, it could not be successfully applied as it was not always possible to take all the time off for overtime worked. This is indicative of the fact that the demand for the services of assistant probation officers was so great that it was not possible to take overtime time off as the services and programmes that they rendered were innovations, and needed ongoing attention.

With reference to work environment, four respondents indicated that they had an office of their own while one shared office space. The latter situation

impacted negatively in the sense that it interferes with interviewing and consultation.

The assistant probation officer in the deep rural area had no access to a telephone(used his private cellphone), had limited access to fax and photocopy machine which belonged to the Department of Justice and had no access to a computer and therefore all reports were handwritten. The other four assistant probation officers had access to a telephone, photocopy and fax machine, while only one had access to a computer at certain times. All of them used their private cellphones when out on duty. The equipment and facilities they actually needed to make their work more effective included a computer, cellphone, government transport(all respondents were using private transport), access to telephone at all times and own office.

The following table gives an indication of how the assistant probation officers perceive their working relationships with other role players.

Table 1 : Perceptions of assistant probation officers regarding working relationships with other role players.

List of role players	GOOD	AVE.	WEAK
probation officers	5	-	-
general office staff	5	-	-
magistrates	3	2	-
prosecutors	3	2	-
South African Police officials	3	2	-
education officials	2	3	-
Correctional Services officials	4	1	-
school principals	4	1	-
NICRO; parents	2	-	-

Comments on above indicated that the law enforcement officials gradually developed an understanding of the purpose of the pilot project, but assistant probation officers had a problem building up lasting relationships with justice officials as the latter rotated often.

The fact that assistant probation officers generally experienced good relationships with other role players they worked with is proof of the fact that the extra service they (assistant probation officers) rendered were welcomed not only in the field of probation practice but in other departments as well.

4.2.3. Training and supervision.

Table 2: Training received by assistant probation officers before commencement of duties.

LIST OF TRAINING TOPICS	YES	NO
Policies relevant to TCYCS	3	2
Strengths based assessment	1	4
Introduction to different policies	1	4
Probation Services Act	4	1
Correctional Services Act	2	3
Child Care Act	1	4
Criminal Procedure Act	4	1
Administrative skills eg. recordkeeping	4	1
Interviewing and communication skills	4	1
Orientation to Welfare and child & youth care system	3	2
Restorative justice approach	3	2

The opinion of assistant probation officers on training required in addition to the topics mentioned above included interviewing skills, community networking, conflict resolution, presentation skills and basic psychology.

With regard to ongoing in-service training they received while employed included the Probation Services Act, restorative justice, orientation to probation services, transformation of the child and youth care system and observing programmes presented by NICRO officials. All the respondents indicated that the training they received made their task as assistant probation officer easier. They are however, of the opinion that training should be more frequent and training sessions should be longer and more intensive. As recommended in chapter five, training for assistant probation officers should therefore be structured in the form of an accredited training manual.

The assistant probation officers described the nature of supervision received from supervisors as feedback on work done, supportive guidance, future planning and determining progress of work done. The frequency of this supervision ranged from daily to weekly or 'when needed'. This was regarded as adequate by all and suggestions made were that supervision can be done once per week or even once per month with quarterly reports by the supervisor on the progress of the assistant probation officer. One assistant probation officer had two supervisors, which he found to be very confusing as each supervisor had a different approach on how work should be done. The fact that the category assistant probation officer was a new

and additional service, as well as the fact that it was a pilot project, could have contributed to the different approaches by supervisors on how services should be rendered.

4.2.4. Evaluation of work performance and programmes.

The evaluation of their work performance was done by assistant probation officers for the period September 1998 to August 2000 and later updated to 2001. (See Annexure B). In addition to the inputs received from assistant probation officers on their feedback from the recipients of the service, random interviews were also done by the researcher with youth, parents, teachers, school principals, community members and officials from the departments of Correctional Services and South African Police Service. The feedback received included the following:

- ❖ Principals requested more regular crime prevention programmes at schools.
- ❖ Teachers experienced more discipline in the classrooms after presentation of programmes to pupils.
- ❖ A need for ongoing regular life skills programmes at schools.
- ❖ More youth awaiting trial should be placed under house arrest.
- ❖ Ninety percent of the youth who participated in the youth empowerment camps did not re-offend.
- ❖ The community motivational talks and workshops on crime prevention and awareness were a success as the crime rate dropped by 50% (deep rural area in the Limpopo Province).
- ❖ The regular visits to youth detained in police cells in the Limpopo Province

were welcomed by youth as the probation officer did not have the time to do this.

❖ Although information sessions on HIV/AIDS was the responsibility of the Department of Health, this duty was executed by one assistant probation officer in the rural area of Vredendal in the Western Cape Province. On a visit to the deep rural area in the Limpopo Province one of the principals indicated that this (information on HIV/AIDS) was a priority need in his school. The fact that this need was brought to the attention of the assistant probation officer indicates that the latter has a role to play in an integrated departmental approach in service rendering; that is, he/she could liaise with the relevant departments when such needs are identified.

❖ The community/traditional leaders in the Limpopo Province were eager to voluntarily assist the assistant probation officer in his/her duties and felt that they had a role to play in restoring societal harmony without the intervention of the legal system.

4.2.5. Comments and recommendations by respondents.

The opinion of all respondents on the overall management of the pilot project (national and provincial level) indicated that it was very well managed after initial problems were solved. There was regular consultation and recording of progress of the pilot project by the provincial co-ordinator to the provincial and national departments of social services.

With regard to problems experienced during the pilot project, the assistant probation officers expressed the view that, since the inception of the pilot

project in September 1998, supervisors changed too often and there was no continuous or consistent support; the processing of salaries and petrol claims were not effected on time; training was delayed and there was a lack of access to facilities and equipment needed by assistant probation officers. However, the highlights of the pilot project for assistant probation officers included the youth empowerment camps; positive feedback received from parents after completion of the parent support group sessions; the positive buy-in from the Department of Justice on the house arrest programme, and the 50% decrease in the crime rate in the rural area of the Limpopo Province.

From the evaluation of the work performance and programmes rendered as well as the respondents' comments, it is evident that the services of assistant probation officers were relevant to the needs of the youth, parents and community they served. Respondents felt that the process of transforming services to children and youth was slow and should be speeded up especially with regard to more intense services to youth at risk. With the services that assistant probation officers provided, they were able to gain the confidence of the community they served, the courts and individual service users.

As the assistant probation officers were able to spend more time with youth than probation officers, the former could obtain more in-depth information. The parents also shared problems more openly with assistant probation officers as they spent more time with them during home visits and parent

group sessions. The teachers at schools welcomed the presentations on crime prevention programmes to young learners in the class setting. It had a positive effect on the learners in the sense that they were more disciplined after these sessions and teachers therefore called for this service to be intensified.

Respondents emphasised the need for the incorporation of assistant probation officers into probation practice on a permanent basis. In this way an extended service could be rendered to youth, parents and the community. The appointment of assistant probation officers at each service point of the Department of Social Services, and the availability of resources for assistant probation officers to execute their tasks in an effective and efficient manner were regarded as crucial. This request emanated from the success of programmes rendered by assistant probation officers. In addition respondents also requested an annual increment in salaries coupled with a bonus.

The five assistant probation officers involved in this pilot project come from different backgrounds in terms of education and work experience. Their opinions on this new occupational category therefore not only differs but only reflects their views of own experience in the area they serve.

Although the assistant probation officers had a prescribed duty schedule at the inception of the pilot project, this was changed as the pilot progressed and additional needs were identified. An example of this is the rendering of information sessions on HIV/AIDS(Vredendal), visits to youth detained in

police cells (Limpopo Province), assisting young persons with birth registration (Limpopo Province), after school-care programmes (Vredendal) and designing and implementing programmes. The fact that this was a pilot project, encouraged the assistant probation officers to be creative in the types of programmes rendered to youth at risk. An outstanding example of this is the house arrest programme for youth awaiting trial. This programme received wide acclaim country wide as an innovative programme implemented by assistant probation officers.

All the respondents, except for one in the Limpopo Province, were in agreement that the programmes they rendered required of them to work overtime, for example after hours visits to youth under house arrest, the youth empowerment camps and the writing of reports.

The nature of the duties and services rendered by assistant probation officers, clearly indicate that they cannot function effectively without an office of their own as well as the necessary equipment and facilities.

The content of training that assistant probation officers receive covers a broad spectrum of issues pertaining to probation practice. The additional training required as listed by assistant probation officers is indicative of the fact that they need to be fully equipped with the necessary knowledge and expertise to deal with youth and families at risk.

Except for a few administrative problems at the inception of the pilot project, the management thereof was positively experienced by all respondents.

The fact that it was recommended that assistant probation officers should be incorporated on a permanent basis into probation practice and that each service point of the Department of Social Services should employ an assistant probation officer, is proof of the fact that this service has proven to be indispensable. This view is also further substantiated by the urgent requests of school principals, teachers, youth and community leaders to not only continue but also intensify this service.

The diversity of the programmes rendered by assistant probation officers in response to a variety of needs of recipients, particularly in disadvantaged communities, are an indication of the fact that there is an untapped field of much needed services to be rendered by assistant probation officers. This new professional category has great potential to improve service rendering especially to youth in the field of probation practice.

Follow-up interviews which were done at random later with parents of youth under supervision of assistant probation officers as well as with principals of schools where crime prevention programmes were rendered, indicated that the services rendered by assistant probation officers to families and youth at risk were indispensable and of utmost importance.

4.3. The knowledge and perception of probation officers and supervisors of the functions of assistant probation officers.

One questionnaire was drawn up for completion by both the four probation officers

and the five supervisors of the assistant probation officers. For the purposes of this discussion both groups will be evaluated together under each theme as they are of the same category of professionals – both are probation officers. A probation officer is a potential supervisor of the assistant probation officer and both their functions are relative to the assistant probation officer.

4.3.1. The perception and views of probation officers and supervisors of the functions of assistant probation officers.

As far as the awareness of the duties of assistant probation officers in each magisterial area is concerned, seven of the respondents indicated that they were fully aware of all the duties while one respondent (Limpopo Province) was not aware of any of these duties. One respondent in the urban area of Bellville indicated knowledge of the house arrest programme only, as this respondent was stationed at the court and assisted with the referral and monitoring of these cases.

The probation officer in the Limpopo Province requested an urgent in-depth workshop or information session on the functions of assistant probation officers as well as feedback on the success of programmes implemented by assistant probation officers during the pilot phase.

The seven respondents who indicated that they were aware of the duties of assistant probation officers, stated the following duties, viz., the house arrest programme, diversion programmes, supervision of sentenced youth, family preservation, administrative tasks, liaison with courts, youth

empowerment camps, group work, life skills programmes, crime prevention and awareness programmes.

It could therefore be said that 80% of these respondents are aware of the current services rendered by assistant probation officers. It is of great concern to note that the probation officer in the deep rural area of the Limpopo Province is not aware of the services rendered by assistant probation officers as this is one of the pilot areas where an assistant probation officer was appointed in 1998 and is still employed there. This probation officer works in close co-operation with the supervisor of the assistant probation officer, but was never informed of the functions of the latter.

Besides the duties that assistant probation officers render, none of the respondents indicated any duties that needed to be changed. However, the following additions were suggested, viz., the impact of crime and the awareness thereof; engagement in more life skills programmes; the monitoring of cases after sentence (supervision period) has been completed; assisting probation officers with administrative work; involvement in the process of preparation of youth in cases where youth are referred to institutions; that assistant probation officers take over a larger number of cases of youth sentenced to supervision of probation officer; involvement in victim empowerment programmes; involvement in rendering of diversion programmes and involvement in other youth development programmes eg. programmes for youth on Youth Day.

The suggestion by one respondent (probation officer) to add duties such as crime prevention and life skills programmes which are already being rendered by assistant probation officers, is indicative of the fact that this respondent (Limpopo Province) is not fully aware of all the functions executed by the assistant probation officers. The same respondent also requested more information on the functions of assistant probation officers. The request that assistant probation officers take over a larger number of the supervision cases of sentenced youth placed under the supervision of probation officers, highlights the fact that probation officers cannot effectively cope with service rendering to this category of cases. Assistant probation officers who are currently rendering this service can only cope with a limited number of such cases and can only completely take over this service with sufficient person power.

During this research none of the respondents indicated an added need for assistant probation officers to render services to adult offenders, which highlights the general opinion that in-depth services to youth at risk are a priority.

The supervisors of the assistant probation officers are of the opinion that the latter generally succeeds in executing their duties according to the present programme. In addition they achieve goals set to the best of their ability in terms of time and areas to be covered. However, according to the supervisors, the factors that impede the effective functioning of assistant probation officers included the lack of sufficient human resources; lack of

regular training opportunities for the assistant probation officer(Limpopo Province); high caseloads; the vast areas to cover; limitation on kilometer utilisation by assistant probation officer (Limpopo Province); lack of resources and equipment eg. fax, computer, photocopy machine. In the Limpopo Province the fact that reports are handwritten proved to be time consuming. Furthermore, the danger aspect in certain areas served was mentioned.

Except for the Limpopo Province where overtime was seldom worked, the assistant probation officers of the other areas worked overtime but could not take all the overtime time off because of their intense work programme. A suggestion by supervisors to solve this problem was remuneration for overtime worked.

With regard to human resources needed to effectively serve each magisterial district the following needs were indicated, viz., Mitchell's Plain indicated three, Vredendal – two, the Limpopo Province - two, Bellville - two and George two. However, the human resources indicated may not be a true reflection of what is needed. The actual need of each area must be researched before a final decision is taken on additional person power.

In the opinion of the nine respondents, the minimum qualification for appointment of assistant probation officers should include grade 12 ; grade 12 plus experience in related fields (example South African Police Service, Department of Justice); background knowledge on the Criminal Procedure

Act; experience in working with youth; computer literacy; planning and management skills.

The pilot project proved that certain skills acquired by academic training are essential, eg. verbal and writing skills. A certain level of emotional maturity and responsibility was also required as assistant probation officers rendered services to vulnerable youth.

According to the probation officers and supervisors of assistant probation officers interviewed, the training that assistant probation officers should have before commencement of duties, includes short courses on counseling; life skills training; project management skills; administrative skills; command of the English language; communication skills; community work; training on working with youth; a course in all relevant legislation; assessment skills; group work facilitation; policy guidelines on youth justice; interviewing skills; computer literacy; court procedures; organisational skills; information on financing policy; presentation skills; report writing skills; disciplinary procedures and code of conduct and conflict resolution.

This exhaustive list of training suggested for assistant probation officers is an indication that the training of assistant probation officers is crucial in order for them to effectively execute their duties as they work with vulnerable youth, render services to the community and have to liaise with other professionals eg. officials from the South African Police Service and

Department of Justice. It is ironic that such high requirements are expected of assistant probation officers, yet their remuneration is appallingly low.

The respondents (supervisors) were of the opinion that in-service training was not sufficient but that it should be complimented by formal training eg. six to twelve months diploma course which included theoretical and practical training. This would ensure uniformity in service rendering and is necessary to establish assistant probation officers as a profession.

For assistant probation officers to function effectively after the commencement of duty, respondents suggested ongoing enrichment courses, ongoing courses on relevant issues, updates on changes to policy and legislation, presentation skills and planning of workshops. There was also a suggestion that assistant probation officers should be included in the training given to probation officers by the Justice College. Furthermore, they should receive intensive training once per month in order to share ideas, problems and practical experiences encountered. This will not only build capacity but also enhance growth as a team.

The supervisors describe the nature of supervision of assistant probation officers as the rendering of emotional and educational support; support in management of caseload; case discussions and emotional and educational support and guidance with regard to planning. The respondents' time spent on supervision and consultation ranged from once per week or 'when needed', twice weekly, once per month to flexible open door policy. Three supervisors felt that this supervision was not sufficient and ascribed this to

their heavy workload. The rest felt that it was sufficient and fitted in with the programme of assistant probation officer and supervisor. With regard to on-site evaluation visits to the projects of assistant probation officers, one respondent indicated that he did not do these visits as he had no time while the other four indicated that they did a visit at least once per month, but not according to a preset programme.

This inconsistent approach with regard to the time and duration of supervision is a cause for concern. The functions of assistant probation officers are diverse, intensive and new and they would, therefore need regular pre-determined supervision sessions in order for them to function effectively. A number of suggestions were made by supervisors with regard to the supervision process. These included keeping the assistant probation officer informed of all new developments, that the assistant probation officer only be supervised by one supervisor; that supervisors needed to spend more time on supervision and that the supervisor should ensure closer communication between assistant probation officers and other probation officers in the service office(Bellville). Respondents were of the opinion that this was a process that should be evaluated on an ongoing basis.

With reference to the work environment of assistant probation officers, all respondents (supervisors and other probation officers) indicated that assistant probation officers should have their own office space as it lends itself to a professional image and, most importantly ensures confidentiality

when in consultation with clients. It was also unanimously agreed that assistant probation officers should have all the basic equipment necessary to render an effective service, viz., computer, telephone, government transport, furniture, availability of camera, video machine and television monitor for projects. One even suggested a separate budget for assistant probation officers.

The following table indicates how probation officers and supervisors of assistant probation officers perceive their relationship as well as the relationship of other related role players with assistant probation officers.

Table 3: Respondents' perception of the working relationships with probation officers, supervisors and related role players.

	VERY GOOD	GOOD	DO NOT KNOW	POOR	VERY POOR
PROBATION OFFICER/ SUPERVISOR	4	2	-	1	1
GENERAL OFFICE STAFF	2	4	-	1	1
MAGISTRATE	4	4	1	-	-
PROSECUTOR	3	4	1	-	-
SAPS	5	2	1	-	-

The poor and very poor working relationships with probation officers and general office staff as indicated above relate to the Bellville office. In this office the assistant probation officer is not actively involved in the probation

section due to the fact that the supervisor of the assistant probation officer does not work in the probation section. In Vredendal there are problems with general office staff due to misconceptions of the latter regarding the function of the assistant probation officer.

4.3.2. Summary of general comments

The supervisors of both pilot projects were of the opinion that the project was well managed on provincial and national level. Problems were, however, experienced during the implementation of the project. There was initial confusion between the function of assistant probation officers and probation officers. In addition it was not easy to convince other role players of the necessity of employing assistant probation officers to render certain services. The probation officer of the Limpopo Province felt that a fact finding survey should have been done beforehand. It was just decided to pilot this project without consultation with all relevant role players. Furthermore, there was a great deal of frustration at the start of the pilot project as salary payments were delayed, the assistant probation officers lacked administrative skills and supervisors did not spend sufficient time with assistant probation officers due to their an already heavy workload.

The supervisors were also of the opinion that magistrates and police officials should be more child friendly. There was a suggestion that all professionals working with youth should be trained together especially with regard to new legislation (Child Justice Bill) and recent developments in the area of child justice. All respondents were in agreement that the services

rendered by assistant probation officers were relevant. It was felt that assistant probation officers are able to spend more time with clients, which the probation officers cannot always manage to do due to their heavy workload. Highlights of the project were the youth empowerment camps, family preservation services as well as the success of the house arrest programme and taking this programme to other provinces. Supervisors also conducted a few crime prevention programmes with the assistant probation officer. Suggestions made by respondents on the improvement of this service, include the following:

- ❖ all agreed that assistant probation officers were underpaid and that serious consideration should be given to an increase in remuneration with an annual increase in their salaries;
- ❖ payment of a danger allowance to assistant probation officers;
- ❖ more training to be done with assistant probation officers;
- ❖ appointment of more assistant probation officers;
- ❖ aggressive promotion of the importance of assistant probation officer in service delivery in probation practice;
- ❖ there was general agreement that assistant probation officers should be incorporated as a new occupational class into probation practice on a permanent basis.

Although respondents are of the opinion that assistant probation officers achieve goals set, they felt that there was a lack of human resources to effectively deal with the needs of recipients. The importance of training

before the commencement of duties as well as on-going in-service training was highlighted as crucial by all respondents. This was indicated by the long list of training recommended for assistant probation officers. There was a general feeling among supervisors that they did not spend sufficient time on the supervision of assistant probation officers due to their own heavy work load. It should be borne in mind that the responsibility of supervising assistant probation officers was given to supervisors as an additional task without considering their current workload. This also contributed to the inconsistent approach by supervisors towards the nature of supervision. The impression gained, however, is that supervisors view this added service as a much needed service in probation practice.

The lack of insight and knowledge of the functions of assistant probation officers was also evident in two of the offices where this project was piloted. This gave rise to the negative feedback on working relationships between assistant probation officers and probation officers. The confusion between the functions of assistant probation officers and probation officers is understandable as it was a new occupational category. However, there generally was a positive attitude by all respondents, namely, that the services rendered by assistant probation officers were relevant and that they supported the incorporation of this new occupational category into probation practice on a permanent basis.

They also shared the opinion of assistant probation officers that their remuneration should be increased.

4.3 The knowledge and perception of magistrates, prosecutors and officials of the South African Police Service regarding the functions of the assistant probation officer.

4.4.1. Magistrates' knowledge and views regarding the function of assistant probation officers.

The magistrate of the urban area of Bellville has been practicing as a magistrate for two years and currently works in the youth court where she has been for approximately one year.

The magistrate of the rural area of Venda in the Limpopo Province has been practicing as a magistrate for nine years and currently deals with all cases in this area (adults and youth), which he has been doing for approximately one year.

Although both magistrates are aware of the existence of assistant probation officers, they are not fully aware of all the duties that an assistant probation officer should render. The magistrate in the urban area is only aware of the house arrest programme and of the supervision of sentenced youth. The magistrate in the rural area, who works in the same building as the assistant probation officer is aware of some of the services rendered, namely, visits to schools, community work and liaison with the South African Police Service with regard to youth offenders.

All this respondent is aware of other than the aforementioned is that the assistant probation officer assists the probation officer.

As both magistrates are not fully aware of the functions of the assistant probation officer, they could not suggest any additions and changes to the duties of the assistant probation officer. However, on the issue of human resources the magistrate in the urban area suggested the appointment of two assistant probation officers per magisterial area, while the magistrate in the rural area on the other hand regarded one as adequate. In the latter area the probation officer and assistant probation officer recommended the appointment of two assistant probation officers and this discrepancy can be attributed to the magistrate's lack of insight into the function of the assistant probation officer.

With regard to minimum qualifications of an assistant probation officer both agreed on grade 12 as minimum tertiary education. They are also of the opinion that, in order for assistant probation officer to execute their powers they need to have ongoing education on matters relating to their function.

As far as training of assistant probation officers before commencement of their duties was concerned, both magistrates agreed on training in court procedures, presentation of reports in court with an added knowledge of probation services in general. They make no suggestions on further ongoing training.

As to the appropriate work environment for assistant probation officers, there was consensus on the fact that assistant probation officers should

have their own office to effectively practice confidentiality. The magistrates also stressed the need for the provision of equipment and facilities such as furniture, government transport, telephone, cellphone, fax, photocopy machine and computer.

With regard to the knowledge of magistrates of current legislation that is relevant to assistant probation officers, the magistrate in the rural area indicated that he was unaware of such legislation, while the magistrate in the urban area indicated 'no specific' legislation but that assistant probation officers should be as knowledgeable as probation officers on court processes. It emerged that, as far as the Child Justice Bill was concerned, the magistrate in the rural area was totally unaware of the existence of this Bill, while the magistrate in the urban area indicated that he had only heard of the Bill but did not have a copy of the document.

Both magistrates were of the opinion that the incorporation of assistant probation officers as a new occupational category into probation practice could be an essential service and that assistant probation officers should be appointed permanently as a matter of urgency. Even though they had only minimal knowledge of the function of assistant probation officers, both agreed that they should be remunerated accordingly.

The magistrate in the urban area further suggested that the powers of the assistant probation officer should be extended, that is, they should have the power to bring a child before the court without consulting a probation officer in case of a crisis, and if the child is not compliant with the court

order. This magistrate is also of the opinion that more should be done to keep the child out of the criminal justice system.

The magistrate in the rural area of Venda commented that there was an increase in family violence (which occurs after hours) in this area. These families do not want to involve the South African Police Service or lay a criminal charge but need a professional person to counsel them in this time of crisis. He felt that this duty could be executed by a well trained assistant probation officer. To this magistrate, this is a real need in his particular community.

Both magistrates indicated that they had a 'very good' relationship with the assistant probation officer. Even though the magistrates interviewed were both located at magistrates' courts, where the function of assistant probation officers were piloted, they were not fully aware of the functions of the assistant probation officers. As a result of this lack of knowledge, the magistrates could not give an informed opinion on issues such as necessary additions or changes to the functions of assistant probation officers, the human resource aspect, the minimum qualification required by assistant probation officers and current legislation relevant to assistant probation officers. However, both magistrates displayed a positive attitude towards and interest in this new envisaged occupational category. The magistrate in the rural area suggested that an urgent awareness campaign be launched amongst all professional role players in this regard.

4.4.2. The knowledge and perception of public prosecutors regarding the function of assistant probation officers.

Although the prosecutors are aware of the physical existence of the assistant probation officer, they also have no knowledge of their duties. The prosecutor in the urban area indicated that prosecutors at that particular court were generally 'suspicious' of the supervision services rendered by assistant probation officers, which she immediately attributed to their lack of information on the function and credibility of assistant probation officers. This prosecutor indicated that she only works directly with the probation officer and does not have any contact with the assistant probation officer.

As both prosecutors are not aware of the duties of the assistant probation officer, they could not suggest any additions or changes to their duties.

With regard to minimum qualifications of assistant probation officers, one prosecutor suggested grade 12 certification while the other could not comment.

As far as the human resource requirement in respect of assistant probation officers are concerned, both prosecutors could not comment due to a lack of knowledge.

Regarding training, the prosecutor of the rural area was of the opinion that an assistant probation officer should have the basic knowledge of the social standing and background of the people he works with. The prosecutor in the urban area had no comment.

As to the appropriate work environment for assistant probation officers, the prosecutor in the rural area agreed that the assistant probation officer should have his/her own office to safeguard the confidentiality aspect of clients. He also agreed on the provision of basic requirements eg. computer, fax, telephone, transport.

With regard to current legislation relevant to assistant probation officers, both had no idea. They also had no knowledge of the prospective new child justice legislation, viz. the Child Justice Bill. On the incorporation of assistant probation officers as a new occupational category and improvements to or comments on the service, these respondents also had no comments – being a further indication of their lack of knowledge regarding this new professional category. As to the attitudes of prosecutors on the function of assistant probation officers, it must be kept in mind that the prosecutors interviewed did not work directly with assistant probation officers but rather through probation officers. Even though both prosecutors were located at the magistrates courts where the function of the assistant probation officer was piloted, they were not informed of the functions of these assistant probation officers. As a result of the researcher's survey, both urgently requested an information session on the function of assistant probation officers.

4.4.3. The knowledge and perception of officials of the South African Police Service regarding the function of assistant probation officers.

The police official of the urban area of Bellville has been in the profession for nine years. He is currently working with youth and adults in the detective branch. The police official in the rural area has been practicing for twenty years and currently works as commander detective. Both police officials are not aware of the services rendered by assistant probation officers. They are only aware of the function of probation officers. Neither could comment on necessary additions or changes to duties of assistant probation officers. As to minimum qualifications of an assistant probation officer, the police official in the rural area had no idea, while the police official in the urban area indicated at least grade 12 with an added knowledge of skills to work with children. With regard to human resources, the police official of the urban area suggested utilisation of two assistant probation officers on a rotation/flexitime basis in order to be contactable at all times. The police official in the rural area indicated a need for five more persons to serve this area, be it assistant probation officers or probation officers. On training required before commencement of duties, the police official in the rural area had no idea while the police official in the urban area suggested training on basic laws, conflict resolution, human resource management and socio-economic studies of the population.

With regard to work environment, there was consensus on the fact that assistant probation officers should have their own private office space for

purposes of confidentiality of clients. Both agreed on the need for availability of basic requirements and facilities such as furniture, telephone, fax, photocopy machine and transport.

Neither of the officials had knowledge on current legislation pertaining to assistant probation officers. However, the police official in the urban area was in possession of a copy of the Child Justice Bill and his views were that the Bill focuses on the needs of the children and that it was a better solution for our present justice system for children. The police official in the rural area is not aware of the existence of this Bill.

The police official of the rural area had no comments on the incorporation of assistant probation officers as a new occupational category into probation practice, while the official of the urban area thought it a good idea and that the added services of assistant probation officers would speed up the whole process in the justice system for children. Although both police officials had limited knowledge of the function of assistant probation officers, they were both positive and supported the envisaged service to be rendered by this new occupational category. The police official in the urban area was fully aware of the house arrest programme and described it as an excellent service to youth awaiting trial. This programme contributed to his positive attitude towards assistant probation officers. The police official of the rural area suggested that assistant probation officers should familiarise themselves with the areas they serve, pay regular visits to and involve local tribal leaders. He further suggested an urgent meeting of all role players

serving this area to create a multi-disciplinary approach to the empowerment of youth and families.

University of Cape Town

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1. Conclusions

The views of assistant probation officers, probation officers and supervisors of assistant probation officers were similar. All of them emphasised the absolute necessity of this service in the field of probation practice and, therefore, the desirability of incorporating this new professional category into probation practice. It is clear that this added service will enable probation officers to effectively execute the tasks allocated to them. It is a known fact that probation officers are constantly overburdened and under pressure from courts to render reports. They, therefore, do not have the time to implement crime prevention programmes, to render an in-depth family support service or consult with community leaders and get the latter involved as support structures in the community.

In the Limpopo Province the community traditional leaders were eager to become involved on a voluntary basis in working with youth and families at risk. Such an endeavour would require regular consultations and support services which could be facilitated by assistant probation officers.

The innovative house arrest programme, where youth await trial at home and are intensively monitored by assistant probation officers is a full time function. With the present lack of sufficient person power in probation

practice, it would not be possible for probation officers to effectively execute this function on a wide scale.

This research also shows that the assistant probation officers need training on a regular, structured basis with ongoing capacity building sessions. The inputs received from assistant probation officers clearly indicate their need for more in-depth knowledge in working with youth and families at risk. This was substantiated by the other role players, that is, by probation officers, magistrates, prosecutors and police officials. This research highlights various intensive training needs, favourable and conducive working conditions as well as a need for higher remuneration.

The study revealed that there are discrepancies with regard to the specific functions of assistant probation officers, for example, the different approaches of the supervisors on how services should be rendered. Also as indicated in Annexure B it is clear that the assistant probation officers render a wide range of services, all of which do not fall in the ambit of their proposed functions and therefore needs to be reviewed. The assistant probation officer in the rural area for example, also assists with birth registration of youth, while another assistant probation officer of the semi-rural area held information sessions on HIV/AIDS which obviously is not the function of probation practitioners.

The findings of the study, especially the inputs of the recipients of the services of assistant probation officers, clearly showed that the programmes and services rendered by assistant probation officers in

probation practice, made an important contribution towards addressing the needs of youth and families at risk. There was generally a positive attitude towards the sustainability of this service with strong recommendations for the permanent incorporation of this new occupational category. The success of this pilot project has resulted in the relevant amendments being made to the Probation Services Act (no.116/1991) which will include assistant probation officers as an occupational category in its own right.

From the study it emerged that there was a lack of knowledge and insight on the part of justice and police officials regarding the functions of assistant probation officers as well as the significant legislation and policies regarding this professional category. This indicates that these related role players were not adequately informed of this new envisaged occupational category. However, they displayed a positive attitude towards the incorporation of this added service into probation practice. They also acknowledged the importance of training and provision of basic equipment and facilities for assistant probation officers – to enable them to function more adequately.

5.2. Recommendations

The following recommendations are based on the inputs received from assistant probation officers, probation officers, magistrates, prosecutors, South African Police Service officials, interviews with school principals, youth, parents, on-site evaluation visits to projects of assistant probation

officers as well as direct consultations with traditional community leaders in the deep rural area of Venda in the Limpopo Province.

It is recommended that:

- ❖ assistant probation officers be incorporated as an occupational category on the staff establishments of all the social services departments in the country. This has to be effected by the departmental process of a work study investigation by the said department, which further verifies the need for this service;
- ❖ in order to ensure uniformity and avoid confusion, the functions of assistant probation officers be set according to the proposed amendments to the Probation Services Act;
- ❖ article 4A(2) (e) in the existing amendments to the Probation Services Act(B18B-2002), which stipulates one of the duties of assistant probation officers as ‘assisting a probation officer with his or her duties’, be reviewed. This duty as it stands is vague and can be widely interpreted. This can lend itself to the abuse of an assistant probation officer by probation officers and the departmental system. It is important that the ‘duties’ as stipulated in this article be specified to include *assisting the probation officer with diversion programmes, family group conferencing, victim empowerment programmes and conducting early intervention and crime prevention programmes*. Such an amendment must be undertaken by the national co-ordinator of probation services of the National Department of Social Development;

- ❖ the implementation of article 4A(2)(c) in the above mentioned amendments which stipulates one of the duties as 'family finding' be carefully strategised. The function of family finding is very time consuming and can become a fulltime specialised duty. It should not be included in the duty schedule of an assistant probation officer in urban areas where work is executed in a more specialised way and there are other persons appointed to specifically do family finding. However, this could be included in the duty schedule of an assistant probation officer in a rural setting where human resources are sparse and specialised services are not rendered. This recommended implementation strategy must be the responsibility of the provincial co-ordinator of probation services in each province;
- ❖ the remuneration package of assistant probation officers be urgently reviewed. It is recommended that the assistant probation officers be appointed on salary Level 3 of the state's remuneration scales. This will address the request that an annual increment and bonus be included, as it forms part of such a salary package;
- ❖ flexitime or payment for overtime hours worked be paid according to guidelines set out in a departmental policy document;
- ❖ office space, government transport, equipment and resources needed for assistant probation officers to function effectively be provided;
- ❖ a training manual for assistant probation officers based on the findings of this research be compiled as a matter of urgency. This task to be

facilitated by the provincial co-ordinator of probation services of the Department of Social Services and Poverty Alleviation, Western Cape Province where this project has been piloted. This task to be done in collaboration with the assistant probation officers;

- ❖ the Department of Social Services and Poverty Alleviation, Western Cape Province holds regular inter- sectoral provincial workshops between the key role players, viz. the Departments of Social Services and Poverty Alleviation, Justice, Education, Correctional Services, South African Police Services and all relevant NGO's. These workshops must include education on the functions of assistant probation officers, and create an across the board understanding of this new occupational category of assistant probation officers and facilitate a closer working relationship among all major relevant role players and assistant probation officers;
- ❖ an urgent information session to be held in the deep rural area of Venda, Limpopo Province. This should be arranged by the Department of Health and Welfare in the Limpopo Province. This session must include all local key role players of all state departments, NGO's, community leaders and all other service providers that render a service in this area. This session should include information regarding the functions of assistant probation officers and an overview of current legislation pertaining to assistant probation officers eg. the impending amendments to the Probation Services Act and the Child Justice Bill. The establishment of a

multi-disciplinary task team should regularly monitor the services provided in this area;

- ❖ the name 'assistant probation officer' be changed as it does not do justice to this occupational category. The word 'assistant' has the connotation of a 'helper' or one who only '*assists*' another and not *do* on his/her own. This research shows that the assistant probation officers do not only assist but also function independently especially when presenting programmes. This process should be undertaken by the national co-ordinator of probation services of the Department of Social Development;
- ❖ when the amendments to the Probation Services Act are enacted and assistant probation officers become a legislated, recognised occupational category in probation practice, all relevant departments and role players should be informed on the legal status and function of assistant probation officers. This will be the responsibility of each provincial social services department;
- ❖ the National Minister of Social Development make funds available and mandate the permanent incorporation of assistant probation officers as an occupational category on the staff establishments of the social services departments of all provinces in the country.

UNIVERSITY OF CAPE TOWN

RESEARCHER : Ms Ruwayda Carloo

QUESTIONNAIRE COMPLETED BY ASSISTANT PROBATION OFFICERS

1. IDENTIFYING PARTICULARS:

1.1. Age :.....

1.2. Qualifications :.....
.....
.....

1.3. Previous Experience:(service years in each field)
.....
.....

1.4. What in your opinion should be the minimum qualifications for appointment of assistant probation officers and why (state reasons)?

.....
.....

1.5. No. of service months/years as assistant probation officer.

0 - 6 months	
6 - 12 months	
1 - 2 years	
2 - 3 years	
other(state)	

1.6. Are you engaged in further studies: YES/NO

1.7. If yes, specify:

.....

2. WORK LOAD :

2.1. Work Station

- 2.2. Name magisterial area(s) served
- 2.3. Rural/Urban
- 2.4. Give estimate of population in work area
- 2.5. Human resources : How many assistant probation officers are needed to effectively serve your magisterial area?
- 2.6. Do you work according to preset programme? YES/NO
- 2.7. List target groups :
- 2.8. List duties/programmes according to duty sheet

.....
.....
.....
.....
.....

2.9. Time Management :

- 2.9.1. Approximate number of overtime hours worked per month:
- 2.9.2. Is the principle of time off for overtime worked successfully applied?
YES/NO
- 2.9.3. Other suggestions w.r.t. overtime and/or time management:
.....
.....
.....

3. TRAINING:

3.1. Indicate on the list below the training you received before commencing duties.

	YES/NO
Policies relevant to TCYCS	
Strengths based assessment	
Introduction to different policies	
Probation Services Act	
Correctional Services Act	
Child Care Act	
Criminal Procedure Act	
Administrative skills eg. recordkeeping	
Interviewing and communication skills	
Orientation to Welfare and child & youth care system	
Restorative justice approach	

3.2. List ongoing/additional training received while employed.

#####

3.3. Did the training you received make your task as assistant probation officer easier ? YES/NO

3.4. What are your views on training received (eg. duration thereof):

[illegible]

3.5. Are there other training needs you feel should be added to the training manual of assistant probation officers before commencement of duties.

.....

3.6. Supervision by probation officer

3.6.1. What is the nature of supervision?

3.6.2. Frequency {weekly / monthly / other(state)}

3.6.3. Is it adequate? YES/NO

3.6.4. If not, what is lacking?

XX

XX

3.6.5. Please give your suggestions on the supervision process.

.....

.....

.....

4. WORK ENVIRONMENT

4.1. Do you have an office of your own ? YES/NO

4.2. Do you share office space ? YES/NO

4.3. Is the work place comfortable & furnished? YES/NO

4.4. If not, how does it impact on your performance?

.....

4.5. Do you have access to :

telephone	YES/NO
computer	YES/NO
photocopy machine	YES/NO
fax machine	YES/NO
cellphone	YES/NO

4.6. What equipment/facilities are needed to make work performance more effective?

.....
.....

5. WORKING RELATIONSHIPS WITH OTHER ROLEPLAYERS :

ROLE PLAYERS	GOOD	AVE.	WEAK
probation officers			
general office staff			
magistrates			
prosecutors			
SAPS officials			
education officials			
Correctional Services			
school principles			
others(specify)			

5.1. Comments on above question :

.....
.....
.....

6. EVALUATION : WORK PERFORMANCE AND PROGRAMMES

6.1. WORK PERFORMANCE AND PROGRAMMES (complete attached annexure)

6.2. EVALUATION OF PROGRAMMES (in terms of outcomes)

Evaluate and list feedback received from recipients of service and other role players involved in or affected by each programme stated above for example, parents, youth, principals, teachers and state officials.

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7. COMMENTS/RECOMMENDATIONS

7.1. Views on changes in the transformation of the child and youth care system.

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.....
.....

7.2. Problems experienced during this pilot project.

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.....

7.3. Are services rendered relevant to the needs of recipients.

.....
.....

7.4. Opinion on overall management of project. (national and provincial level)

.....
.....

7.5. Highlights of project.

.....
.....

7.6. Remuneration.

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.....

7.7. Suggestions for improvements to the service.

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.....

7.8. Your opinion on incorporating assistant probation officers as a new occupational category in probation practice.

.....
.....

7.9. Were you able to gain the confidence of the community you served, courts and individual service users with the service provided?

.....
.....

7.10. Other comments :

.....
.....
.....

THANK YOU!!

University of Cape Town

ANNEXURE TO QUESTIONNAIRE

PROGRAMME	TARGET GROUP	AREA	PERIOD COVERED	ACTIVITY	FREQUENCY	RECIPIENTS REACHED	SUCCESS RATING

WORK PERFORMANCE AND PROGRAMMES

ANNEXURE B (i)

PROGRAMME	TARGET GROUP	AREA	PERIOD COVERED	ACTIVITY	FREQUENCY	RECIPIENTS REACHED	SUCCESS RATING
Crime prevention and awareness programmes	Schools and youth groups (12 to 18 years)	Mitchell's Plain (urban area)	September 1990 to June 2001	Practical presentation on effects of youth crime and its consequences	3 times per week	Approximately 20, 000 young persons	Evaluation questionnaires by teachers, learners and youth leaders indicate 100% success
	Scholars and youth (under 18 years)	Sinthumule and Kutama (deep rural area)	15 th August 1998 to 31 st March 2001	Talks on crime prevention	Weekly	45,000 young persons	70% success – resulted in crime reduction among youth
	schools (13 to 17 years)	Bellville and Goodwood (urban)	12 months (1990 to 2000)	Talks on crime prevention	Every second month	428 young people	75% success
Parental Support Group.	Parents of children under supervision of assistant probation officer (25 to 65 years)	Mitchell's Plain (urban area)	September 1999 to June 2001.	Talks on self esteem. Understand behaviour of youth. Impact of various parental styles	Quarterly	20 persons	90% for those who actively participate and implement. Some parents don't commit to children and change.
Drugs and the Law	Young persons who experiment with drugs (13 to 26 years)	Mitchell's Plain (urban area)	January 1999 to December 2000.	Provide information on drugs, drug trafficking, laws and health aspects.	Every second month	32 persons	70% only as all youth do not adhere to programme
Community Service Orders	Sentenced youth (15 to 18 years)	Bishop Lavis and Kuils River (urban area)	24 months –1999 to 2000	Visits to employer of young person serving the order.	Once per week	11 persons	85%

ANNEXURE B (ii)

PROGRAMME	TARGET GROUP	AREA	PERIOD COVERED	ACTIVITY	FREQUENCY	RECIPIENTS REACHED	SUCCESS RATING
House Arrest Programme	Youth awaiting trial (13 to 17 years)	Goodwood magisterial district. (urban)	24 months. September 1998 to December 2000	Regular home visits. Court appearances with youth. Liaison with school principals. Contact with employers of youth	Approximately 67 home visits per month which includes twice per week and over weekends.	1998 = 197 young persons 1999 = 868 young persons 2000 = 674 young persons. Current caseload of 43.	86%
	Youth awaiting trial (14 to 17 years)	Vredendal and Lutzville (rural)	6 months, year 2000.	As above	Approximately 30 home visits per month.	5 young persons	80%
	Youth awaiting trial (13 to 17 years)	George(rural area)	10 months(2000)	As above	Approximately 25 home visits per month	7 young persons	97%
Life skills programmes	Grades 6 to 12 (11 to 18 years)	Vredendal and Lutzville (rural)	1999 – 2000 (12 months)	Presentations at schools	1-2 schools per week. Approximately 6 sessions per month. 40 children per session.	2880 pupils (6x4x12)	50% feedback from principals.
	Grade 9	George (rural)	One month (year 2000)	Presentations at schools	Weekly	225 pupils	90%
HIV/Aids project	Schools (13 to 18 years)	Vredendal(rural)	3 months	Information on HIV/AIDS. Focus on peer group pressure	Weekly at 3 schools	360 pupils (3 x 120 pupils per month)	65%

ANNEXURE B (iii)

PROGRAMME	TARGET GROUP	AREA	PERIOD COVERED	ACTIVITY	FREQUENCY	RECIPIENTS REACHED	SUCCESS RATING
After school care group	School going children (12 to 15 years)	Vredendal (rural)	6 months (2000)	Life skills sessions and supervision of homework	3 times per week. Groups comprised of 12 – 15 children	480 children per month	60% most children regularly attended
Group work with youth at risk	Youth at risk- principal identified youth for group (10 to 12 years)	George (rural)	12 months (2000)	Life skills workshops	Twice per week	17 youth	80% feedback from principal
Youth empowerment group	Youth offenders (13 to 18 years)	George (rural)	4 consecutive days	Youth empowerment activities. Youth empowerment activities.	Once	20 youth	90% - youth did not re-offend after the camp 90%
	Youth under House Arrest (13 to 18 years)	Bellville(urban)	4 consecutive days		Once	40 youth	
Community motivational talks	Church and village tribal courts (adults)	Sinthumule and Kutama (deep rural)	15/8/98 – 31/3/2001	Workshops	Weekly or when needed	30,000 adults	63% crime rate dropped as community became more informed
Home and cell visitation	Young offenders and youth with behavioural problems (13 to 18 years)	Tshilwabuski, Sinthumule and Kutama police cells (deep rural)	15/8/98 – 31/3/2001	Interviews and counselling	Weekly and daily	5 000 young persons	45%

INTERVIEW SCHEDULE FOR PROBATION OFFICERS AND SUPERVISORS OF ASSISTANT PROBATION OFFICERS.

1. Status of probation officer, namely :

- 1.1. Supervisor of assistant probation officer
- 1.2. Probation officer (non-supervisor)

2. Number of service years as probation officer/ supervisor of assistant probation officer.

3. Are you aware of the services rendered by the assistant probation officer in your magisterial district. YES/NO. If YES, state these duties :

4. Besides the duties that the assistant probation officers render, what in your opinion should be added to their duties or changed.

Added duties: _____

Duties to be changed: _____

5. To what extent in your opinion does the assistant probation officer succeed in executing all duties according to his/her preset programme?

6. What in your opinion are the factors that prevent assistant probation officers from functioning effectively in your area?

7. What in your opinion should be the minimum qualifications for appointment of assistant probation officers and why.

8. Human Resources: How many assistant probation officers are needed to effectively serve your particular magisterial district.

9. Time Management :

9.1. Is the principle of time off for overtime worked successfully applied. If not, why not?

9.2. Suggestions with regard to overtime and / or time management.

10. Training :

10.1. What training should assistant probation officers receive before commencement of duties.

10.2. What would you think should be covered in training of assistant probation officers to function effectively in future.

10.3. Given the list of training below, what in your opinion should be added in future training.

- policies relevant to transformation of child and youth care system
- strengths based assessment
- introduction to policies
- Probation Services Act
- Correctional Services Act
- Criminal Procedure Act
- Child Care Act
- Administrative skills

10.4. Other opinions/views on training of assistant probation officers.

11. Supervision of assistant probation officers.

11.1. Describe the nature of supervision rendered to assistant probation officers in your area.

11.2. Do you feel that the supervision rendered is sufficient. If not, what is lacking?

11.3. Do you do onsite visits to projects of the assistant probation officer. If yes, how often (eg. according to preset programme). If not,why not.

11.4. Do you have any suggestions with regard to the supervision process.

12. Work Environment:

12.1. Should assistant probation officer have their own office space. YES/NO

12.2. What equipment/facilities are needed to make the work performance of assistant probation officer effective?

13. Working Relationships.

13.1. How do you perceive the working relationships of assistant probation officer with yourself and other relevant role players.

	VERY GOOD	GOOD	DON'T KNOW	POOR	VERY POOR
Probation officer/supervisor					
General office staff					
Magistrate					
Prosecutor					
SAPS					
Others (state)					

13.2. Comments on the above (eg. more about relationships)

14. General Comments.

14.1. Views on changes required in the transformation of the child and youth care system.

14.2. Problems experienced during the pilot project. (For supervisors)

14.3. To what extent are services rendered by assistant probation officers relevant to the needs of recipients.

14.4. Please state your opinion on overall management of the pilot project, provincially and nationally.

14.5. Highlights of the pilot project.

14.6. Problems experienced during the pilot project.

14.7. State your views on remuneration of assistant probation officers.

14.8. Do you have any suggestions for improvement of the services rendered by assistant probation officers.

14.9. What is your opinion on incorporating assistant probation officers as a new occupational category in probation practice.

ANNEXURE D

INTERVIEW SCHEDULES FOR MAGISTRATES, PROSECUTORS AND SOUTH AFRICAN POLICE SERVICE OFFICIALS

Objective: To establish the knowledge and perception of other role players regarding the functions of assistant probation officers.

1. Please state your profession, namely :

- Magistrate
- South African Police Service official
- Prosecutor

2. Number of service years in profession.

3. Current work area.

4. Number of service years in current work area.

5. Are you aware of the services rendered by the assistant probation officer?

YES / NO. If YES, state these duties:

6. Besides the duties that assistant probation officers currently render, what in your opinion should be added to their duties or changed?

Added duties : -----

Duties to be changed: -----

7. What in your opinion should be the minimum qualifications of an assistant probation officer ?

8. Human Resources : How many assistant probation officers in your opinion are needed to sufficiently render a service in your particular magisterial area. Please elaborate.

9. Training:

9.1. What training should assistant probation officers receive before commencement of duties.

9.2. Other opinions/views on training (eg. ongoing training)

10. Work Environment:

10.1. Should assistant probation officer have their own office. Please give reasons for your opinion.

10.2. What equipment/facilities are needed to make work performance of assistant probation officers more effective. Give reasons.

11. Working Relationships.

11.1. How do you perceive the working relationship of assistant probation officer with yourself and other role players in the course of duties?

	VERY GOOD	GOOD	DON'T KNOW	POOR	VERY POOR
Magistrates					
SAPS					
Prosecutors					

11.2. Comments on the above.

12. In your opinion which of the current legislation is most relevant to assistant probation officers and why?

12.1. What are your views on the Child Justice Bill.

13. General Comments

13.1. What is your opinion on incorporating assistant probation officers as a new occupational category into probation practice.

13.2. Suggestions on improvements of this service.

13.3. Please state your views on the remuneration of assistant probation officers.

13.4. In your opinion to what extent are the services rendered by assistant probation officers relevant to the needs of recipients?

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